

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROY RENNA,

Plaintiff,

- against -

TIME INC. and ALTABA INC.

Defendant.

Docket No. 1:17-cv-7209

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Roy Renna (“Renna” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendants Time Inc. (“Time”) and Altaba Inc. (“Altaba” and together the Time “Defendants”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a screen shot of a copyrighted video of emergency medical technician Yadira Arroyo owned and registered by Renna, a New York based photographer and videographer. Accordingly, Renna seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendants because Defendants resides and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Renna is a professional photojournalist and video journalist in the business of licensing his photographs and videos to online and print media for a fee having a usual place of business at 69-04 58th Road, Maspeth, New York 11378.

6. Upon information and belief, Time is a foreign business corporation duly organized and existing under the laws of the State of Delaware, with a place of business at 225 Liberty Street, New York, New York 10281. At all times material hereto, Time has owned and operated a website at the URL: www.TheDrive.com (the “Time Website”).

7. Upon information and belief, Altaba is a foreign business corporation duly organized and existing under the laws of the State of Delaware, with a place of business at 140 East 45th Street, New York, New York 10017. At all times material hereto, Altaba has owned and operated a website at the URL: www.Yahoo.com (the “Altaba Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Video

8. Renna videotaped emergency medical technician Yadira Arroyo as she was taken away by medics after she got run over by her ambulance (the “Video”).

9. Renna is the author of the Video and has at all times been the sole owner of all right, title and interest in and to the Video, including the copyright thereto.

10. The Video has a pending United States Copyright Office application number of 1-4741943015.

B. Defendant's Infringing Activities

11. On March 17, 2017 Time ran an article on the Time Website entitled *FDNY EMT Tragically Killed When Ambulance was Stolen*. See <http://www.thedrive.com/news/8409/fdny-emt-tragically-killed-when-ambulance-was-stolen>.

12. On March 17, 2017, the same article was featured on the Altaba Website. See <https://www.yahoo.com/news/fdny-emt-tragically-killed-ambulance-153147514.html>.

13. The article was written by a staff writer for Time.

14. The articles prominently featured a screen shot of the Video. A true and correct copy of the article on the Time Website is attached hereto as Exhibit A.

15. A true and correct copy of the article on the Altaba Website is attached hereto as Exhibit B.

16. The screen shot of the Video appeared on Time and Altaba's computer servers.

17. Defendants did not license the Video from Plaintiff for its article, nor did Defendants have Plaintiff's permission or consent to publish the Video on the Time Website and Altaba Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANTS)
(17 U.S.C. §§ 106, 501)

18. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-16 above.

19. Defendants infringed Plaintiff's copyright in the Video by reproducing and publicly displaying a screen shot of the Video on the Time Website and Altaba Website. Defendants are not, and have never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Video.

20. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

21. Upon information and belief, the foregoing acts of infringement by Defendants have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

22. As a direct and proximate cause of the infringement by the Defendants of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendants profits pursuant to 17 U.S.C. § 504(b) for the infringement.

23. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendants willful infringement of the Video, pursuant to 17 U.S.C. § 504(c).

24. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendants be adjudged to have infringed upon Plaintiff's copyrights in the Video in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded either: a) Plaintiff's actual damages and Defendants profits, gains or advantages of any kind attributable to Defendants infringement of Plaintiff's Video; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendants be required to account for all profits, income, receipts, or other benefits derived by Defendants as a result of its unlawful conduct;

4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
September 21, 2017

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